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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

### Petitioner Information

Name	O2Micro International Limited		
Entity	Corporation	Citizenship	Cayman Islands
Address	11F, No. 54, Sec. 4 Min-Sheng E. Road Taipei City, 105 TAIWAN		

Attorney information	Teresa C. Tucker Grossman Tucker Perreault & Pfleger PLLC 55 South Commercial Street Manchester, NH 03101 UNITED STATES ttucker@gtpp.com Phone:603-668-6560
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### Registration Subject to Cancellation

Registration No	2231093	Registration date	03/09/1999
Registrant	O2 HOLDINGS LIMITED WELLINGTON STREET, SLOUGH BERKSHIRE, SL1 1YP UNITED KINGDOM		

### Goods/Services Subject to Cancellation

Class 009. First Use: 1996/09/28 First Use In Commerce: 1996/09/28  
All goods and services in the class are cancelled, namely: computer hardware and computer operating system software, and instructional manuals therefor sold as a unit therewith

### Grounds for Cancellation

<i>Torres v. Cantine Torresella S.r.l.Fraud</i>	808 F.2d 46, 1 USPQ2d 1483 (Fed. Cir. 1986)
Abandonment	Trademark Act section 14

Attachments	SKMBT_50009062910190.pdf ( 5 pages )(375500 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/tct/
Name	Teresa C. Tucker

Date	06/29/2009
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In Re Trademark Reg. No. 2231093 )  
Dated: March 9, 1999 )  
Mark: O2 )  
Class: INT. 9 )

O2Micro International Limited )  
Petitioner ) Cancellation No.  
v. )  
O2 Holdings Limited )  
Respondent )  
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PETITION FOR CANCELLATION

O2Micro International Limited, a Cayman Islands corporation having a principal place of business at 11F, No. 54, Sec. 4, Min-Sheng E. Road, Taipei City, Taiwan 105, believes that it is being or will be damaged by the continued registration of the mark "O2" shown in Registration No. 2231093 dated March 9, 1999 (hereinafter the "O2 Registration"), by O2 Holdings Limited (hereinafter referred to as Respondent), and hereby petitions to cancel same.

The grounds for cancellation of said registration are as follows:

1. Petitioner is the owner of a family of trademarks comprising the term "O2Micro" as shown in the following Federal Trademark Registrations (hereinafter the "O2Micro Registrations").

TRADEMARK	REGISTRATION NUMBER	DATE OF REGISTRATION
O2MICRO	2575266	June 4, 2002
O2MICRO SMART CARD ENABLED plus design	2730567	June 24, 2003
O2MICRO BREATHING LIFE INTO MOBILITY plus design	2710421	April 29, 2003
O2MICRO plus design	2812901	February 20, 2004
O2MICRO	2786406	November 25, 2003

2. Petitioner has been using the marks shown in the O2Micro Registrations in commerce, in connection with the goods identified in said Registrations, since at least as early as May, 1995 including as a house mark for a full line of integrated circuits for computers.

3. Petitioner and Respondent currently are parties to trademark opposition proceedings in other countries with respect to trademarks comprising "O2."

4. On information and belief, on September 19, 1996 Respondent's predecessor in interest, Silicon Graphics, Inc., filed an Application with the United States Patent and Trademark Office for "O2" assigned Serial No. 75168580 in Class 9, for "computer hardware and computer operating system software, and instructional manuals therefore sold as a unit therewith," based on intent to use the mark under Section 1(b) and later based on a claim of use in commerce since

September 28, 1996. Said Application subsequently matured to registration as the O2 Registration.

5. On information and belief, the O2 Registration was assigned to Respondent on October 29, 2007, the Assignment being recorded with the U.S. Trademark Office at Reel 3649, Frame 0527.

6. On information and belief, on March 9, 2009 Respondent filed a Combined Declaration of Use in Commerce & Application for Renewal of Registration of a Mark under Sections 8 & 9 (hereinafter the Renewal Application) with the United States Patent and Trademark Office and claimed use of the mark in commerce in connection with all of the goods recited in the O2 Registration. Said filing included image files described as “Digital image of Applicant’s website showing goods and information on how to order goods” and comprising a copy of Respondent’s predecessor in interest’s “Silicon Graphics O2 Visual Workstation” datasheet, including the copyright notice “© 2000 Silicon Graphics, Inc.,” and a copy of pages at the web site at Respondent’s predecessor in interest, particularly the page shown at [www.sgi.com/products/legacy/mips/html](http://www.sgi.com/products/legacy/mips/html) comprising photos of products that were no longer manufactured or sold,<sup>1</sup> and hyperlinks to download owner’s guides therefore.

7. On information and belief, Respondent and/or its predecessor in interest had terminated use of the mark “O2” for at least the goods identified in the O2 Registration as “computer hardware and computer operating system software” prior to the filing date of the Renewal Application and for as many as seven years prior thereto.

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<sup>1</sup> The page shown at [www.sgi.com/products/legacy](http://www.sgi.com/products/legacy) is the page which provides a link to the specimen page, and it includes the heading “here you will find information for products that are no longer manufactured or sold by SGI.” Thus, the user would first find this statement and then be able to link to the page which Respondent submitted as a specimen of use in its Renewal Application.

8. On information and belief, Respondent filed a knowingly fraudulent Renewal Application.

9. Based on the foregoing, the Renewal of the O2 Registration was obtained fraudulently by claiming use of the mark with goods not actually produced or marketed by Respondent and Respondent knew such goods were no longer manufactured or sold.

10. On information and belief, Respondent committed fraud on the Patent and Trademark Office in the procurement of renewal of the O2 Registration by making material representations of fact in its declarations which it knew or should have known to be false.

11. On information and belief, Respondent deliberately attempted to mislead the United States Patent and Trademark Office into renewing the O2 Registration by making a false declaration stating the mark was in use in commerce in connection with all of the goods identified in the Registration.

12. On information and belief, Renewal was granted for the O2 Registration based on Respondent's intentionally deceptive statements and declarations fraudulently made to procure renewal.

13. On information and belief, the mark shown in the O2 Registration has not been used by Respondent or its predecessor in interest for more than three years and neither Respondent nor its predecessor in interest had an intent to resume use of the mark during that period. As a result, the mark has been abandoned.

14. Petitioner has been or will continue to be damaged by the existence of the O2 Registration because Petitioner has used its O2Micro trademarks since prior to the date of first

use claimed in the O2 Registration and the O2 registration could pose an economic threat to Petitioner, its customers, assigns, since it would make possible harassment by litigation.

WHEREFORE, Petitioner prays that Registration No. 2231093 be cancelled, and that this Petition be granted in favor of Petitioner.

RESPECTFULLY SUBMITTED this 29<sup>th</sup> day of June, 2009.

O2Micro International Limited

By 

Teresa C. Tucker

Attorney for Petitioner

Grossman, Tucker, Perreault & Pfleger, PLLC

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CERTIFICATE OF SERVICE

It is hereby certified that a true and complete copy of the subject Petition for Cancellation was served upon the Respondent via First Class mail, postage prepaid, this 27<sup>th</sup> day of June, 2009 to the following address:

Stephen L. Baker  
Baker & Rannells PA  
575 Route 28, Suite 102  
Raritan NJ 08869